

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO BINGO;
REVISING THE DEFINITION OF "BINGO"; REQUIRING THE DEPARTMENT OF JUSTICE TO PREAPPROVE
NONSTANDARD BINGO CARDS; AND AMENDING SECTIONS 23-5-112 AND 23-5-412, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 23-5-112, MCA, is amended to read:

"23-5-112. Definitions. Unless the context requires otherwise, the following definitions apply to parts
1 through 8 of this chapter:

(1) "Applicant" means a person who has applied for a license or permit issued by the department
pursuant to parts 1 through 8 of this chapter.

(2) "Application" means a written request for a license or permit issued by the department. The
department shall adopt rules describing the forms and information required for issuance of a license.

(3) "Authorized equipment" means, with respect to live keno or bingo, equipment that may be inspected
by the department and that randomly selects the numbers.

(4) "Bingo" means a gambling activity played for prizes with a card bearing a printed design of 5 columns
~~of 5 squares each, 25 squares in all.~~ The letters B-I-N-G-O must appear above the design, with each letter above
one of the columns. ~~More than 75 numbers may not be used.~~ One number must or more numbers may appear
in each square, except for the center square, which may be considered a free play. Numbers are randomly drawn
using authorized equipment until the game is won by the person or persons who first cover one or more
previously designated arrangements of numbers on the bingo card.

(5) "Bingo caller" means a person 18 years of age or older who, using authorized equipment, announces
the order of the numbers drawn in live bingo.

(6) "Card game table" or "table" means a live card game table:

(a) authorized by permit and made available to the public on the premises of a licensed gambling

1 operator; or

2 (b) operated by a senior citizen center.

3 (7) "Card game tournament" means a gambling activity for which a permit has been issued involving
4 participants who pay valuable consideration for the opportunity to compete against each other in a series of live
5 card games conducted over a designated period of time.

6 (8) "Dealer" means a person with a dealer's license issued under part 3 of this chapter.

7 (9) "Department" means the department of justice.

8 (10) "Distributor" means a person who:

9 (a) purchases or obtains from a licensed manufacturer, distributor, or route operator equipment of any
10 kind for use in gambling activities; and

11 (b) sells the equipment to a licensed distributor, route operator, or operator.

12 (11) (a) "Gambling" or "gambling activity" means risking any money, credit, deposit, check, property, or
13 other thing of value for a gain that is contingent in whole or in part upon lot, chance, or the operation of a gambling
14 device or gambling enterprise.

15 (b) The term does not mean conducting or participating in a promotional game of chance and does not
16 include amusement games regulated by Title 23, chapter 6, part 1.

17 (12) "Gambling device" means a mechanical, electromechanical, or electronic device, machine, slot
18 machine, instrument, apparatus, contrivance, scheme, or system used or intended for use in any gambling
19 activity.

20 (13) "Gambling enterprise" means an activity, scheme, or agreement or an attempted activity, scheme,
21 or agreement to provide gambling or a gambling device to the public.

22 (14) (a) "Gift enterprise" means a gambling activity in which persons have qualified to obtain property to
23 be awarded by purchasing or agreeing to purchase goods or services.

24 (b) The term does not mean:

25 (i) a cash or merchandise attendance prize or premium that county fair commissioners of agricultural
26 fairs and rodeo associations may give away at public drawings at fairs and rodeos;

27 (ii) a promotional game of chance; or

28 (iii) an amusement game regulated under Title 23, chapter 6.

29 (15) "Gross proceeds" means gross revenue received less prizes paid out.

30 (16) "Illegal gambling device" means a gambling device not specifically authorized by statute or by the

1 rules of the department. The term includes:

2 (a) a ticket or card, by whatever name known, containing concealed numbers or symbols that may match
3 numbers or symbols designated in advance as prize winners, including a pull tab, punchboard, push card, tip
4 board, pickle ticket, break-open, or jar game, except for one used under Title 23, chapter 7, or under part 5 of this
5 chapter or in a promotional game of chance approved by the department; and

6 (b) an apparatus, implement, or device, by whatever name known, specifically designed to be used in
7 conducting an illegal gambling enterprise, including a faro box, faro layout, roulette wheel, roulette table, or craps
8 table or a slot machine except as provided in 23-5-153.

9 (17) "Illegal gambling enterprise" means a gambling enterprise that violates or is not specifically
10 authorized by a statute or a rule of the department. The term includes:

11 (a) a card game, by whatever name known, involving any bank or fund from which a participant may win
12 money or other consideration and that receives money or other consideration lost by the participant and includes
13 the card games of blackjack, twenty-one, jacks or better, baccarat, or chemin de fer;

14 (b) a dice game, by whatever name known, in which a participant wagers on the outcome of the roll of
15 one or more dice, including craps, hazard, or chuck-a-luck, but not including activities authorized by 23-5-160;

16 (c) sports betting, by whatever name known, in which a person places a wager on the outcome of an
17 athletic event, including bookmaking, parlay bets, or sultan sports cards, but not including those activities
18 authorized in Title 23, chapter 4, and parts 2, 5, and 8 of this chapter;

19 (d) credit gambling; and

20 (e) internet gambling.

21 (18) (a) "Internet gambling", by whatever name known, includes but is not limited to the conduct of any
22 legal or illegal gambling enterprise through the use of communications technology that allows a person using
23 money, paper checks, electronic checks, electronic transfers of money, credit cards, debit cards, or any other
24 instrumentality to transmit to a computer information to assist in the placing of a bet or wager and corresponding
25 information related to the display of the game, game outcomes, or other similar information.

26 (b) The term does not include the operation of a simulcast facility allowed by Title 23, chapter 4, or the
27 state lottery provided for in Title 23, chapter 7. If all aspects of the gaming are conducted on Indian lands in
28 conformity with federal statutes and with administrative regulations of the national Indian gaming commission,
29 the term does not include class II gaming or class III gaming as defined by 25 U.S.C. 2703.

30 (19) "Keno" means a game of chance in which prizes are awarded using a card with 8 horizontal rows

1 and 10 columns on which a player may pick up to 10 numbers. A keno caller, using authorized equipment, shall
2 select at random at least 20 numbers out of numbers between 1 and 80, inclusive.

3 (20) "Keno caller" means a person 18 years of age or older who, using authorized equipment, announces
4 the order of the numbers drawn in live keno.

5 (21) "License" means a license for an operator, dealer, card room contractor, manufacturer of devices
6 not legal in Montana, sports tab game seller, manufacturer of electronic live bingo or keno equipment, other
7 manufacturer, distributor, or route operator that is issued to a person by the department.

8 (22) "Licensee" means a person who has received a license from the department.

9 (23) "Live card game" or "card game" means a card game that is played in public between persons on
10 the premises of a licensed gambling operator or in a senior citizen center.

11 (24) (a) "Lottery" means a scheme, by whatever name known, for the disposal or distribution of property
12 among persons who have paid or promised to pay valuable consideration for the chance of obtaining the property
13 or a portion of it or for a share or interest in the property upon an agreement, understanding, or expectation that
14 it is to be distributed or disposed of by lot or chance.

15 (b) The term does not mean lotteries authorized under Title 23, chapter 7.

16 (25) "Manufacturer" means a person who:

17 (a) assembles from raw materials or subparts a completed piece of equipment or pieces of equipment
18 of any kind to be used as a gambling device and who sells the equipment directly to a licensed distributor, route
19 operator, or operator; or

20 (b) possesses gambling devices or components of gambling devices for the purpose of testing them.

21 (26) "Nonprofit organization" means a nonprofit corporation or nonprofit charitable, religious, scholastic,
22 educational, veterans', fraternal, beneficial, civic, senior citizens', or service organization established for purposes
23 other than to conduct a gambling activity.

24 (27) "Operator" means a person who purchases, receives, or acquires, by lease or otherwise, and
25 operates or controls for use in public a gambling device or gambling enterprise authorized under parts 1 through
26 8 of this chapter.

27 (28) "Permit" means approval from the department to make available for public play a gambling device
28 or gambling enterprise approved by the department pursuant to parts 1 through 8 of this chapter.

29 (29) "Person" or "persons" means both natural and artificial persons and all partnerships, corporations,
30 associations, clubs, fraternal orders, and societies, including religious and charitable organizations.

1 (30) "Premises" means the physical building or property within or upon which a licensed gambling activity
2 occurs, as stated on an operator's license application and approved by the department.

3 (31) "Promotional game of chance" means a scheme, by whatever name known, for the disposal or
4 distribution of property among persons who have not paid or are not expected to pay any valuable consideration
5 or who have not purchased or are not expected to purchase any goods or services for a chance to obtain the
6 property, a portion of it, or a share in it. The property is disposed of or distributed by simulating a gambling
7 enterprise authorized by parts 1 through 8 of this chapter or by operating a device or enterprise approved by the
8 department that was manufactured or intended for use for purposes other than gambling.

9 (32) "Public gambling" means gambling conducted in:

10 (a) a place, building, or conveyance to which the public has access or may be permitted to have access;

11 (b) a place of public resort, including but not limited to a facility owned, managed, or operated by a
12 partnership, corporation, association, club, fraternal order, or society, including a religious or charitable
13 organization; or

14 (c) a place, building, or conveyance to which the public does not have access if players are publicly
15 solicited or the gambling activity is conducted in a predominantly commercial manner.

16 (33) "Raffle" means a form of lottery in which each participant pays valuable consideration for a ticket to
17 become eligible to win a prize. Winners must be determined by a random selection process approved by
18 department rule.

19 (34) "Route operator" means a person who:

20 (a) purchases from a licensed manufacturer, route operator, or distributor equipment of any kind for use
21 in a gambling activity;

22 (b) leases the equipment to a licensed operator for use by the public; and

23 (c) may sell to a licensed operator equipment that had previously been authorized to be operated on a
24 premises.

25 (35) "Senior citizen center" means a facility operated by a nonprofit or governmental organization that
26 provides services to senior citizens in the form of daytime or evening educational or recreational activities and
27 does not provide living accommodations to senior citizens. Services qualifying under this definition must be
28 recognized in the state plan on aging adopted by the department of public health and human services.

29 (36) (a) "Slot machine" means a mechanical, electrical, electronic, or other gambling device, contrivance,
30 or machine that, upon insertion of a coin, currency, token, credit card, or similar object or upon payment of any

valuable consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the gambling device to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(b) This definition does not apply to video gambling machines authorized under part 6 of this chapter.

(37) "Video gambling machine" is a gambling device specifically authorized by part 6 of this chapter and the rules of the department."

Section 2. Section 23-5-412, MCA, is amended to read:

"23-5-412. Card prices and prizes -- exception. (1) Except as provided in subsection (3):

(a) the price for an individual bingo or keno card may not exceed 50 cents;

(b) a prize may not exceed the value of \$100 for each individual bingo game or keno card; and

(c) it is unlawful to, in any manner, combine any bingo or keno games so as to increase the ultimate value of the prize.

(2) Bingo and keno prizes may be paid in either tangible personal property or cash.

(3) (a) A variation of the game of keno, as approved by the department, in which a player selects three or more numbers and places a wager on various combinations of these numbers is permissible if:

(i) no more than 50 cents is wagered on each combination of numbers; and

(ii) a winning combination does not pay more than \$100.

(b) A variation of the game of bingo, as approved by the department, in which prizes may be awarded for each winning bingo pattern on a card is permissible if:

(i) no more than 50 cents is wagered on each bingo pattern; and

(ii) a winning pattern does not pay more than \$100.

(4) A bingo card, other than a standard card consisting of 5 columns of 5 squares totaling 25 squares, must be approved by the department before being offered for play.

~~(4)~~(5) A player may give a keno caller a card with instructions on the card to play that card and its marked numbers for up to the number of successive games that the house allows and that the player has indicated on the card, upon payment of the price per game times the number of successive games indicated. The player shall remain on the house premises until the card is played or withdrawn. The caller shall keep the card until the end of the number of games indicated, and the department may by rule provide that at that time the caller

1 shall pay the player any prizes won.

2 ~~(5)(6)~~ If a licensed operator conducts a promotional game of chance involving bingo or keno, the prize
3 limit provided for in subsection (1) applies to prizes awarded as a result of the promotional game of chance."

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